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Counsel for Defendant HECTOR ORTIZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

HECTOR ORTIZ,
Defendant.

No. CR 16-00380 JST

REVISED STIPULATION AND
~~PROPOSED~~ ORDER CONTINUING
DATE FOR CHANGE OF PLEA;
EXCLUSION OF TIME

STIPULATION

IT IS HEREBY STIPULATED, by and between the parties to this action, that the court date for Hector Ortiz, currently scheduled for November 4, 2016, at 9:30 a.m., may be continued to December 9, 2016, at 9:30 a.m. for change of plea. The reason for the request is that defense counsel will be out of town and unavailable on November 4, 2016. It is anticipated that Mr. Ortiz will plead guilty to a violation of 18 U.S.C. §751(a)(escape), and because a pre-sentence report (PSR) was prepared in the underlying case, the parties discussed asking the Court to waive preparation of a new PSR and proceeding immediately to sentencing following the guilty plea. The additional time will enable counsel to review the documents and prepare a memorandum prior to the change of plea.

IT IS FURTHER STIPULATED THAT the time from November 4, 2016, to December 9,

2016, be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7)(B)(iv) for continuity of counsel and effective preparation so that counsel can be present and review all documents with Mr. Ortiz prior to the scheduled change of plea.

DATED: 10/07/16

/s/
JOYCE LEAVITT
Assistant Federal Public Defender

DATED: 10/07/16

/s/
ZINZI BONILLA
Special Assistant United States Attorney

I hereby attest that I have permission of the parties to enter a conformed signature (/s/) for all signatures within this e-filed document.

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the court date scheduled for November 4, 2016, is hereby continued to December 9, 2016, at 9:30 a.m. for change of plea.

IT IS FURTHER ORDERED THAT the time to December 9, 2016, be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7)(B)(iv) for continuity of counsel and effective preparation of counsel taking into consideration due diligence so that defense counsel can be present and have time to review the agreement and PSR with Mr. Ortiz and prepare a memorandum to file prior to the change of plea. The Court finds that there is good cause and the ends of justice served by the granting of the continuance outweigh the interests of the public and defendant. Failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: October 11, 2016


HON. JDN S. TIGAR
United States District Judge